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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
Francisco Javier GUZMAN-Lopez,  
  
Defendant.

Magistrate Case No. **'08 MJ 8268**  
COMPLAINT FOR VIOLATION OF  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about March 27, 2008, within the Southern District of California, Francisco Javier GUZMAN-Lopez did knowingly and intentionally import approximately 16.48 kilograms (36.25 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

U.S. Immigration & Customs  
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 28<sup>TH</sup>  
DAY OF MARCH, 2008.

PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

SUF

1 UNITED STATES OF AMERICA

2 v.

3 Francisco Javier GUZMAN-Lopez

4 STATEMENT OF FACTS

5 This complaint is based upon the personal observations, investigation and  
6 information provided to U. S. Immigration and Customs Enforcement Special Agent  
7 Douglas Struckmeyer.

8 On March 27, 2008, Francisco Javier GUZMAN-Lopez entered the United States  
9 at the Calexico, California, West Port of Entry. GUZMAN was the driver, registered  
10 owner, and sole occupant of a 2005 Nissan X-Trail.

11 Customs and Border Protection Officer (CBPO) C. Carrillo conducted a primary  
12 inspection of GUZMAN. CBPO Carrillo received a negative Customs declaration from  
13 GUZMAN. During the primary inspection, CBPO Carrillo noticed that the vehicle was  
14 very clean and void of any personal belongings. Based on her observations, CBPO  
15 Carrillo referred GUZMAN to the secondary inspection area for further inspection.

16 CBPO I. Mercado encountered GUZMAN in the secondary inspection area.  
17 CBPO Mercado also received a negative customs declaration from GUZMAN. During  
18 the secondary inspection, Canine Enforcement Officer (CEO) S. Barela was conducting  
19 a lot sweep with his Narcotic Detector Dog (NDD). CBPO Mercado requested that  
20 CEO Barela conduct a sweep of GUZMAN's vehicle. CEO Barela's NDD alerted to the  
21 dashboard of the vehicle, indicating the presence of the odor of a controlled substance  
22 in that area.

23 Further inspection of the vehicle revealed the presence of a non-factory  
24 compartment built into the firewall. A total of 13 packages were found concealed within  
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1 the compartment. The combined weight of the packages was approximately 16.48 kilograms  
2 (36.25 pounds) A sample taken from one of the packages field tested positive for cocaine.

3 Special Agents S/A D. Struckmeyer and L. Swanson interviewed GUZMAN. S/A  
4 Struckmeyer provided GUZMAN with his constitutional rights per Miranda, with S/A Swanson  
5 present. GUZMAN orally waived his rights, as well as signing the written waiver of rights,  
6 agreeing to make a statement.

7 GUZMAN told S/A Struckmeyer that he was hired to drive the vehicle. He stated that  
8 he was offered \$1,500.00 to drive the vehicle into the United States and told that the vehicle  
9 contained "...illegal things." GUZMAN stated that he believed the vehicle contained marijuana.

10 GUZMAN was arrested by ICE Agents for violations of 21 USC § 952 and 960,  
11 importation of a Controlled Substance. GUZMAN was booked into the Imperial County Jail,  
12 El Centro, California, pending an appearance in U.S. Magistrate Court.

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